

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:19-CR-00017-RJC-WCM

USA

v.

JOSEPH F. WISEMAN JR.

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ORDER

THIS MATTER is before the Court upon motion of the defendant for compassionate release based on his medical conditions and the COVID-19 pandemic under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, (Doc. No. 55), the government's supplemental response, (Doc. No. 58), and related pleadings.

Section 603(b) of the First Step Act amended § 3582(c)(1)(A), which previously only allowed a court to reduce a term of imprisonment on motion of the Director of the Bureau of Prisons (BOP). Now a court may entertain a motion filed by a defendant: (1) after full exhaustion of all administrative rights to appeal a failure of the BOP to bring a motion on the inmate's behalf; or (2) after the lapse of 30 days from the receipt of such a request by the warden of the facility, whichever is earlier.

On June 5, 2020, the warden of the defendant's institution approved transfer to home confinement. (Doc. No. 58-1: Storus Aff. ¶ 8). The BOP's website shows that the defendant's home confinement is being supervised by the Residential Reentry Management field office in Atlanta, Georgia.

IT IS, THEREFORE, ORDERED that the defendant's motion for compassionate release, (Doc. No. 55), is **DISMISSED as moot**.

The Clerk is directed to certify copies of this Order to the defendant and the United States Attorney.

Signed: March 4, 2021

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

